

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION – DETROIT

IN THE MATTER OF:

CHAPTER 13

Michael D. Frost and Aundrea Lynn Frost,

Case Number: 16-56354

Debtors.

JUDGE PHILLIP J. SHEFFERLY

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**Proposed Chapter 13 Plan Modification**

Debtors Michael D. Frost and Aundrea Lynn Frost, through undersigned counsel, propose to modify their confirmed Chapter 13 Plan as follows:

- **Proposed Modification Number one:** Debtors propose to excuse their current delinquency of \$4,212.69. **Justification for Proposed Modification:** Debtor-husband lost his job and Debtor-wife has been off of work since June 2018 when she gave birth to her third child. Debtor-wife will return to work January of 2019 and will be able to resume making payments at that time.
- **Proposed Modification Number two:** Debtors propose to surrender their interest in the 2006 Skyline Mobile Home which had been their residence. **Justification for Proposed Modification:** Debtors have moved and are now renting. The Automatic Stay was lifted as to the secured creditor, 21<sup>st</sup> Century Mortgage, on December 26, 2018. (Docket #70)
- **Proposed Modification Number three:** Debtors propose to surrender their interest in the 2007 Dodge Durango. **Justification for Proposed Modification:** Debtors can no longer afford the vehicle. The Automatic Stay was lifted as to the secured creditor Credit Acceptance Corporation on November 26, 2018. (Docket #63)
- **Proposed Modification Number four:** Debtors propose to reduce their Chapter 13 payment to \$138.77 per bi-weekly pay period effective immediately. **Justification for Proposed Modification:** Pursuant to the Amended Schedules I and J being filed contemporaneously with this Proposed Chapter 13 Plan Modification, this amount represents their best efforts.

That this proposed modification has the following impact on the classes of creditors being paid by the Trustee as follows:

- a. **Class one administrative claims** – will not be impacted.
- b. **Class two continuing claims** – will not be impacted.

- c. **Class three secured claims to be stripped from the collateral** – will not be impacted.
- d. **Class four continuing claims that survive the plan** – the claims of 21<sup>st</sup> Century mortgage and Credit Acceptance will now be treated as class nine general unsecured claims.
- e. **Class five secured claims where the last payment will become due during the plan** – will not be impacted.
- f. **Class six executory contracts** – will not be impacted.
- g. **Class seven priority unsecured claims** – will not be impacted – will still be paid during life of plan.
- h. **Class eight special unsecured claims** – will not be impacted.
- i. **Class nine general unsecured claims** – will decrease dividend.

In all other respects, the Order Confirming Plan referred to above shall remain in full force and effect.

Dated: January 8, 2019.

/s/William C. Babut  
Babut Law Offices, PLLC  
Attorneys for Debtor  
700 Towner St.  
Ypsilanti, MI 48198  
(734) 485-7000  
[wbabut@babutlaw.com](mailto:wbabut@babutlaw.com)  
P41099

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**Order Granting Proposed Chapter 13 Plan Modification**

THIS MATTER having come before the Court on Debtor's Proposed Plan Modification; no parties having objected, and the Court being duly informed in the premises:

IT IS ORDERED that Debtors' Plan Payment shall be \$138.77 per bi-weekly pay period effective immediately.

IT IS FURTHER ORDERED that Debtors' delinquency in the amount of \$4,212.69 is hereby excused.

IT IS FURTHER ORDERED that in all other respects, the Order Confirming Plan shall remain in full force and effect.

**Exhibit A**

UNITED STATES BANKRUPTCY COURT  
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Notice of Deadline to Object to Proposed Chapter 13 Plan Modification

The deadline to file an objection to the attached proposed Chapter 13 plan modification is 21 days after service.

If no timely objection is filed, the proponent of the plan modification may file a certificate of no objection and the modified plan will then become effective.

If a timely objection is filed, the Court will set the matter for hearing and give notice of the hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

Objections to the attached proposed chapter 13 plan modification shall be served on the following:

William C. Babut  
Babut Law Office, P.L.L.C.  
700 Towner Street  
Ypsilanti, MI 48198

Krispen S. Carroll  
Chapter 13 Trustee  
719 Griswold, Suite 1100  
Detroit, MI 48226

Date: January 8, 2019

/s/ William C. Babut  
William C. Babut (P41099)  
Babut Law Offices, P.L.L.C.  
700 Towner Street  
Ypsilanti, MI 48198  
734-485-7000  
[wbabut@babutlaw.com](mailto:wbabut@babutlaw.com)

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**PROOF OF SERVICE**

Kim Justice hereby certifies that on January 9, 2019, that she served a copy of the following documents:

- Proposed Chapter 13 Plan Modification,
- Notice of Deadline to Object to Proposed Chapter 13 Plan Modification
- Proposed Order Granting Proposed Chapter 13 Plan Modification
- Exhibit(s)
- Proof of Service

All interested parties on the attached Court Matrix,

Dated: January 9, 2019

/s/ Kim Justice

Kim Justice  
Babut Law Offices, P.L.L.C.  
700 Towner Street  
Ypsilanti, MI 48198  
734-485-7000  
kim@babutlaw.com